

X						
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
COL KENNETH M. PARSONS						X
COL HENRY F. DAIVS						X
COL FREDERICK W. HORNICK						X
COL JAMES W. SHUMARD III						X
LT COL STEVEN A. SIMON						X
ISSUES A92.01, A92.15, A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980924		CASE NUMBER FD98-00243		1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
				4	BRIEF OF PERSONNEL FILE	
				COUNSEL'S RELEASE TO THE BOARD		
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM D-454.						
REMARKS						
Case heard at Washington, DC						
Advise applicant of the decision of the Board, the right to a personal appearance and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER <i>James W. Shumard III</i> JAMES W. SHUMARD III, COLONEL, USAF				SIGNATURE OF BOARD PRESIDENT <i>Kenneth M. Parsons</i> KENNETH M. PARSONS, COLONEL, USAF		
INDORSEMENT						DATE 98/09/25
TO: SAF/MIBR 550 C Street West, Suite 40 RANDOLPH AFB, TX 78150-4742				FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING 3rd Floor ANDREWS AFB MD 20331-7002		
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, one Letter of Reprimand, and five Letters of Counseling for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The applicant failed to substantiate the issue. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance and other accomplishments as documented by his performance report/record. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

FD-98-00243

[REDACTED]
(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/11/21 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/07/22. Enlmt Age: 19 0/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A M-73, A-67, G-68, E-69. PAFSC: 2A332A - F-16 Avionic Systems Attack Control Apprentice. DAS: 94/06/15.

b. Prior Sv: AFRes 92/08/19 - 92/11/24 (3 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: AB 92/11/24 for (4) Yrs. Svd: 2 Yrs 11 Mo 28 Das, all AMS.

b. Grade Status: AMN - 95/10/20 (ART 15, 95/10/20)
A1C - 94/03/24
AMN - (EPR Indicates): 92/11/24-94/11/25

c. Time Lost: none.

d. Art 15's: (1) 95/10/20, Aviano AB, Italy - You, having knowledge of a lawful order issued by MSgt -----, not to have any contact with Mrs. ----- until she is divorced or removed from Aviano AB, Italy, an order which it was your duty to obey, did, between o/a 23 Sept 95 and o/a 10 Oct 95, failed to obey the same by wrongfully making contact with Mrs. ----- Rdn to Amn, and a reprimand. Rdn to Amn. (Appeal/Denied) (No mitigation).

e. CM: none.

f. Record of SV: 92/11/24 94/11/25 Aviano AB 4 (Initial)
(Discharged from Langley AFB)

g. Awards & Decs: AFTR, NDSM, AFOUA, JSMUA, AFGCM.

h. Stmt of Sv: TMS: (3) Yrs (3) Mos (3) Das
TAMS: (2) Yrs (11) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 98/03/12.
(Change Discharge to Honorable)

FD-98-00243

STATEMENT ATTACHED TO BRIEF

ATCHS

1. Applicant's Statement.
2. Enlisted Performance Report.

98/07/17/ia

To Whom it may concern:

I'm writing this letter to give you an idea of what kind of person I am. To show that my time as an Airman in the Air Force should be reviewed as a positive experience.

When I was in high school It was my dream to graduate and then join the military. In November of 1992 that is what I did.

After Basic Training I went to Lowery Air Force Base in Colorado to attend technical training. The job I was to be trained at was an F-16 radar, weapons control, and navigation systems specialist. I completed my training and graduated on July 9, 1993

My first duty station was the 526th Fighter Squadron at Ramstein, AB Germany. I spent one year there before the squadron was deactivated and moved. In that time I was a proud representative of my squadron and country. I assisted a guard unit from the states by performing transfer inspections and operational checks. At the same time I also helped my own squadron accept new block 40 aircraft. When it came time for my squadron to deactivate, I was one of five persons to clean all Aircraft hangers and to help the movers pack and load all of the equipment to be moved. During the Christmas season I volunteered most evenings to help the post office stuff mail boxes due to the massive overload of mail.

In June of 1994 I was given orders to Aviano, AB Italy. There I was one of the first members of the 510th Fighter Squadron. When I first arrived at my new squadron I was on the acceptance team. The team and I performed major inspections of every jet before giving them the OK and turning them over to the Squadron. All inspections were completed weeks ahead of schedule, allowing the squadron to become fully mission capable and able to take on the shared duties of operation deny flight with our sister squadron. In March of 1995 my squadron deployed to Israel for a joint live fire exercise with US Marines and the Israeli Defense Force. I was a member of this deployment. During the two week deployment. I helped to keep all jets ready to go for each of the 48 sorties flown each day.

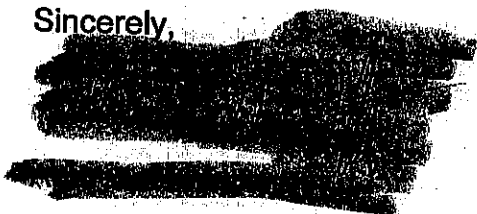
During the summer months at Aviano I was a proud member of the Buzzards, my squadron softball team. In the winter months I was an assistant wrestling coach for the base High School and helped coach them to their best season ever.

FD 98-00243

Along with this letter I'm sending my last evaluation performance appraisal. On it are numerous achievements that I have accomplished while on duty. I'm asking you to look at these facts, and then ask yourselves why you should not up grade my discharge to Honorable.

Thank you for your time and consideration.

Sincerely,

A large, dark, irregularly shaped redacted area covering the signature and possibly the first line of the letter body.

DEPARTMENT OF THE AIR FORCE
31ST FIGHTER WING (USAFE)

31 Oct 95

MEMORANDUM
SSAN

FROM: 510 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. The authority for this action are AFPD 36-32 and AFI 36-3208, para 5.49, Minor Disciplinary Infractions. This action could result in your separation with an under other than honorable conditions discharge. If my recommendation is approved, your service will be characterized as general. I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are specifically:

a. Between on or about 23 Sep 95 and on or about 10 Oct 95, at or near Aviano Air Base, Italy, you, having knowledge of a lawful order issued by a superior to not have contact with a married woman, failed to obey this order by wrongfully making contact with the same married woman in violation of the Uniform Code of Military Justice (UCMJ), Article 92. You received Non-judicial Punishment on 17 Oct 95 reducing you to the rank of Airman (E-2) and you were also reprimanded. The Article 15 was found legally sufficient on 30 Oct 95.

b. On or about 19 Sep 95, at or near Aviano Air Base, Italy, you were late for work and received a Letter of Counseling (LOC) dated 19 Sep 95. You were also reminded of an extensive list of deficient areas of your military career which you acknowledged. The list documented over a dozen counselings.

c. On or about 5 Sep 95, at Aviano Air Base, Italy, you were found sleeping under the nose of an aircraft that you were supposed to be repairing with a co-worker. You received an LOC dated 18 Sep 95, that you did not refute and were also reminded that your behavior of this type had happened in the past.

d. On or about 2 Sep 95, at Aviano Air Base, Italy, you failed to follow AFI 36-2903 and also failed to follow the lawful order of a superior. You received an LOC for this misconduct dated 2 Sep 95 and again, did not refute the LOC.

e. On or about 16 Aug 95, at Aviano Air Base, Italy, you were using improper tools and disregarding technical data in the performance of your duties, costing the Air Force extra money by replacing a part and causing additional man-hours to be spent replacing the damaged part. You received an LOC dated 18 Aug 95 for this incident.

f. On or about 5 Aug 95, you were directed by your flight chief to report to work for an inspection of your initial issue set of uniforms. You reported with two Battle Dress Uniform (BDU) pants, no BDU shirts, one lightweight blue jacket, and one complete class 'A' uniform. You were counseled that this inspection was an attempt to get you on the right track in setting yourself stricter discipline standards in order for you to comply with established Air Force standards.

g. On or about 24 Oct 94, at Aviano Air Base, Italy, you failed to obey lawful orders from two superiors by being in dormitory 108 after you were told not to be in this dormitory. You received a Letter of Reprimand dated 2 Nov 94 for this misconduct.

Copies of the documents are to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force. In addition, any special pay, bonus, or education assistance funds may be subject to recoupment.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] at Building 134, Area 1, on 3 Nov 1995 at 1500 hours. You may consult civilian counsel at your own expense.


4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 NOV 1995 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel, or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for two medical examinations. You are to report to the 31 FW/SGOAF on 3 NOV, at 1400 hours. Your second appointment is scheduled for N/A, at _____ hours. You will need to report 15-minutes prior to your appointment, and also need to bring your medical records.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in your unit orderly room or ADC office.

8. Execute the attached acknowledgment and return it to me immediately.


Commander**Attachments:**

1. Art 15, 30 Oct 95; Record of Counselings, 19 Sep 95; LOC, 18 Sep 95; LOC, 2 Sep 95; LOC, 18 Aug 95; LOC, 5 Aug 95; LOR, 2 Nov 94.
2. Airman's receipt of notification memorandum
3. EPR